IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 8907 of 2005

Kalpataru Construction Pvt Ltd ..Petitioner
vs
Makhanlal Assanand Sudi and ors..Respondents
with
Writ Petition 8908 of 2005

Kalpataru Construction Pvt Ltd ..Petitioner
vs
Dwarkadevi S Wahi and ors..Respondents
with
Writ Petition 8908 of 2005

Kalpataru Construction Pvt Ltd ..Petitioner
vs
Upkarsingh Dalipsingh Mehta and ors..Respondents
with
Writ Petition 89l0 of 2005

Kalpataru Construction Pvt Ltd ..Petitioner
vs
Mrs Chanchal D Talwar and ors..Respondents
with
Writ Petition 89ll of 2005

Kalpataru Construction Pvt Ltd ..Petitioner
vs
Khushal Singh D Mehta and ors..Respondents

Mr. J.P.Sen for S M Ahooja for petitioners
Mr Ashok Waghmare for respondents

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. By consent of the parties the following order is passed:

. Order dated l4.l2.2005 passed by the trial court

is set aside. Both parties agree that the Commissioner may be appointed to record evidence of the witness Sudhir Tambe who is under treatment for cancer. Ms Usha Rai is appointed as court commissioner. the court commissioner is directed to commence recording evidence on or before l6.l.2006 and will complete the evidence on or before l2.2.2006 and file the same in the trial court. The trial court thereafter proceed further with the trial of the suit by taking into consideration the evidence recorded by the commissioner. The commissioner is also directed to record objection of the parties, if any. Commissioner will not give more than two adjournments for the purpose of recording evidence.

. The petitioner is directed to pay necessary costs, charges and expenses of the court commissioner and all other expenses of the commission. The commissioner will be at liberty to approach the City Civil Court Mumbai for the purpose of obtaining record to record evidence on commission.

. The petitions are disposed of accordingly with no order as to costs.